

PTOL-413A (08-03)  
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 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 09/578,750 First Named Applicant: Price Allen Curtis  
 Examiner: Kendall, Chuck O. Art Unit: 2122 Status of Application: Final GA issued

#### Tentative Participants:

(1) Stephen K. Tkacs (2) \_\_\_\_\_  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: 2/12/04 Proposed Time: 11:00 (AM/PM) EST

#### Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>103</u>	<u>1-9, 10-16, 20-25,</u> <u>28, 29, 33, 36, 37</u>	<u>Smith &amp; Chamberlain</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>103</u>	<u>8, 9, 12, 18, 26, 213,</u> <u>31, 34, 35, 38, 39</u>	<u>Smith, Chamberlain,</u> <u>&amp; Forbes</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

An interview was conducted on the above-identified application on \_\_\_\_\_.

#### NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 05 2004

**OFFICIAL****Carstens,  
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Suite 900  
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To: Examiner Chuck O. Kendall Art Unit 2122	Facsimile No.: 703/872-9306 Main No. of Receiving Firm:
From: Stephen R. Tkacs/aet Date: February 5, 2004	No. of Pages Including Cover Sheet: 4 total
Message:  Interview Request Form and Agenda for Telephone Interview following.	
RE: application no. 09/578,750; docket no. AUS9-2000-0214-US1	

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application: **Curtis et al.**Serial No.: **09/578,750**Filed: **May 25, 2000**For: **Method of Applying an Update to  
a Contained Collection of Program  
and Data Files Based Upon Versions**§  
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§Group Art Unit: **2122**Examiner: **Kendall, Chuck O.**Attorney Docket No.: **AUS9-2000-0214-US1****AGENDA FOR TELEPHONE INTERVIEW**

Sir:

I would like to request a telephone interview on February 12, 2004. Please consider the following topics for discussion:

- Smith does not teach or suggest "updating the installer program from files in the update" and "installing the update in the program with the updated installer program," as recited in claim 1.
- Chamberlain does not teach or suggest "updating the installer program from files in the update" and "installing the update in the program with the updated installer program," as recited in claim 1.
- Since the applied references, taken alone or in combination, fail to teach or suggest every claim limitation, claim 1 cannot be rendered obvious by a combination of Smith and Chamberlain.
- With respect to claim 3, the cited portion of Smith actually teaches away from the invention, because Smith teaches that a more recent version of a patch supersedes a less recent version.
- With respect to claim 4, Smith fails to teach determining the version of an installer program from one single file contained within the installer program, as alleged in the Office Action.

- With respect to claim 5, Chamberlain performs installation, using the installer application, to an installed application, rather than to the installer application itself. The Office Action proffers no reasoning as to why updating a registry is equivalent to the claimed step of packaging updated files and remaining installer files into an updated installer program.
- While compression of program files is generally known, the prior art as a whole fails to teach or suggest extracting (decompressing) files from an installer program, updating files from the installer program, and packaging and compressing the updated and remaining installer files to produce an updated installer program, as recited in claim 6.

The Examiner is invited to call at the below-listed telephone number to confirm or reschedule the requested telephone interview.

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